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SUMMARY RECORD OF THE 4th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 29 January 1992, at 3 p.m.

Chairman: Mr. SOLT (Hungary)

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The meeting was called to order at 3.05 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS IN THE OCCUPIED ARAB TERRITORIES, INCLUDING PALESTINE (agenda item 4) (continued) (E/CN.4/1992/6 and 7)

THE RIGHT OF PEOPLES TO SELF-DETERMINATION AND ITS APPLICATION TO PEOPLES UNDER COLONIAL OR ALIEN DOMINATION OR FOREIGN OCCUPATION (agenda item 9) (continued) (E/CN.4/1992/11, 12 and 14; A/46/65, 286 and 522)

1. The CHAIRMAN invited the participants to continue consideration of agenda items 4 and 9.

2. Mr. OZDEN (Centre Europe-Tiers Monde) welcomed the de facto independence established by the Eritrean People's Liberation Front in Eritrea. Created last June, the provisional Government called upon the international community, and the United Nations in particular, to supervise the referendum on self-determination which was to be held in Eritrea in 1993 and would enable the Eritrean people to choose between integration into Ethiopia, a federation with Ethiopia or independence. The Ethiopian Government had agreed to that process.

3. The United Nations bore a major responsibility for the war between Eritrea and Ethiopia because in resolution 390 (V) it had imposed upon Eritrea, contrary to the will of the Eritrean people and the Charter of the United Nations, a federation with Ethiopia, which had later annexed it by force. Nevertheless, and despite the persistent violations of the human rights of the Eritrean people, the United Nations had remained silent on the matter for 30 years. The fate of Eritrea had not been definitively settled in 1950 because the United Nations had only intervened in that period to remedy the inability of the major Powers to agree upon Eritrea's future. It was therefore high time for the Organization to recognize the right to self-determination of the Eritrean people, in accordance with its law and practice. It would also have to reconsider the question of the genuine decolonization of Eritrea in the new juridical context that proceeded from the general recognition of the right of peoples to self-determination.

4. The Centre Europe-Tiers Monde called upon the Commission on Human Rights to adopt a resolution that would create a special committee to supervise the holding of a referendum in Eritrea, so as to guarantee the Eritrean people's right to self-determination.

5. Mr. DE SANTA-CLARA GOMES (Portugal), speaking on behalf of the twelve member States of the European Community, welcomed the development of the situation in the Middle East, which in recent months had been marked by historic events that gave cause for new hope, namely, the convening of the Madrid Conference, in which the European Community had participated, and the subsequent bilateral negotiations. The Twelve remained committed to taking an active part in building peace in the Middle East and regretted that the encouraging developments on the political scene had not led to an improvement in the human rights situation in the occupied territories, including East Jerusalem.

6. The European Community and its member States had always taken the view that peace and stability in the region could be achieved only through full implementation of Security Council resolutions 242 (1967) and 338 (1973) and the genuine exercise of the right of all States in the region, including Israel, to exist within secure, recognized and guaranteed borders, as well as recognition of the legitimate rights of the Palestinian people to self-determination. The Twelve were convinced that the denial of those rights not only constituted a violation of human rights, but also lay at the root of the violation of many other fundamental rights. In that context, they reaffirmed that the Fourth Geneva Convention relative to the protection of civilian persons in time of war, of 12 August 1949, was applicable to the territories occupied by Israel since 1967, including East Jerusalem, and called upon Israel to recognize its applicability and to abide by its provisions. The Israeli Government's illegal policy of bringing Jewish settlers into the occupied territories, thus threatening to change the demographic composition of those territories, was a flagrant violation of the Convention. While the Twelve supported the right of Jews who so wished to emigrate to Israel, that right must not be implemented at the expense of the rights of the Palestinians in the occupied territories, and the Community would again present, as it had done at the two previous sessions of the Commission, a draft resolution calling upon Israel to put an end to that practice.

7. The recent decision of the Israeli Government to deport 12 Palestinians from the occupied territories was another part of a policy that contravened the Fourth Geneva Convention. The Twelve had already expressed their deep concern about that decision and welcomed the adoption of Security Council resolution 726 (1992). They deplored the fact that the Israeli Government continued to adopt security and economic measures that had an adverse impact on the living conditions of the population of the occupied territories, such as collective punishment (economic sanctions, demolition of buildings, curfews, etc.) and arbitrary arrests, detention without charge or trial and house arrests, which were unacceptable under the provisions of the Fourth Geneva Convention. The detention of children in the same correctional facilities as adults was contrary to the spirit of the Convention on the Rights of the Child, which Israel had ratified.

8. The Twelve had consistently condemned the use of violence and would continue to do so, whoever its perpetrators might be, and they deplored the acts of violence to which Israeli citizens had fallen victim, but as the occupying Power and in accordance with international law, Israel had the special obligation to maintain peace and order. Unfortunately, Israeli security forces had all too often reacted to the violence of the Palestinian demonstrators with disproportionate use of force.

9. The economic and social conditions in the occupied territories, which had been aggravated by the collective measures taken by the Israeli Government during and after the Gulf war, also deserved the Commission's full attention. Although some of the measures had been suspended, the situation still left much to be desired. The Twelve urged the Israeli Government to cooperate with the United Nations by allowing the civilian population in the occupied territories to take full advantage of the economic and social assistance provided by the United Nations and other organizations. For its part, the

European Community had taken a number of initiatives to promote the economic development of the occupied territories and their population, such as the granting of duty-free access for industrial products, preferential duty-free treatment for agricultural products and emergency aid measures.

10. In the declaration on the peace process in the Middle East adopted in Maastricht in December 1991, the European Council had called upon Israel to respect the provisions of the Fourth Geneva Convention. The adoption of confidence-building measures was vital in order to create the stable climate needed for progress in the negotiations. Respect for human rights and the rule of law was essential to the process of finding a just, comprehensive and lasting settlement in the Middle East. That was why defending human rights in the occupied territories was more important than ever.

11. Mr. ROA KOURI (Cuba) said that following the collapse of socialism in Eastern Europe and the dismemberment of the Soviet Union, there was no reason to rejoice at the advent of a unipolar world, which would only strengthen the hegemony of the United States and the predominance of the North over the poor and indebted countries of the South.

12. Concerning Palestine and the territories illegally occupied by Israel since 1967, including Jerusalem, the prospect - as yet distant and strewn with obstacles - of a peaceful agreement between the various parties had helped somewhat to relax the emergency measures and the policy of brutal repression imposed by the Israeli Government. Nevertheless, hundreds of Palestinians had been killed by Israeli soldiers or civilians, and the tragic events of October 1990, which had caused the death of 20 Palestinians and injuries to hundreds of others, had not been of an isolated or accidental nature. The Zionist authorities, who were imposing a racist policy of Judaization by force of arms in the occupied territories, were still refusing to implement the 1949 Geneva Convention, despite unanimous condemnation by the Security Council, and were continuing their policy of illegally deporting the inhabitants of Palestine to neighbouring countries. For so-called security reasons, they refused to allow Palestinian doctors living in Gaza and the West Bank to leave the territories, thereby preventing them from attending international conferences and scientific meetings abroad. As reflected in the lists drawn up by the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories, men, women, children and elderly people had been the indiscriminate victims of the Israeli occupiers, "strategic allies" and protégés of the American imperialists. The demolition of houses in retaliation for the activities of the Palestinian resistance, a totally arbitrary policy pursued with complete impunity, was reminiscent of the Nazi brutalities committed in Lidice, Warsaw and hundreds of villages in the former Soviet Union.

13. Since the beginning of the intifada, the economic and social conditions in the occupied territories had continued to deteriorate. The food shortages had been exacerbated by the rise in unemployment and the allocation of an increasing number of green cards, the aim being to reduce the number of Arab workers in Israel and to prevent them from leaving the occupied territories. The health and medical situation was just as bad, and the inhabitants of those territories usually had no access to Israeli medical facilities. The double

standard in health care confirmed the discriminatory nature of Israel's policy. According to one witness, the Palestinian workers did not have the right to take sick leave or annual leave, their wages were not indexed to the cost of living, and they had no social security. With the settling of hundreds of thousands of immigrants in the occupied territories, the Zionists were seeking to change the face of Palestine and to give a permanent character to the illegal occupation of those territories, in flagrant violation of international law and the resolutions of the United Nations, which had declared Israeli legislation on that question to be null and void.

14. For decades, the United Nations, paralysed by the United States veto in the Security Council, had been unable to sanction Israel for the violation of the human rights of the Palestinian people and the other Arab inhabitants in the occupied territories. Recently, however, the Government of the United States had joined the 14 other members of the Security Council in condemning the illegal deportation of another group of Palestinians. For the first time, the United States had shown itself willing to contribute to the search for a peaceful solution to the Middle East conflict. His Government was pleased that the negotiations on peace in the region were being pursued, but there would be no just and lasting settlement of the conflict unless the demands of the Palestinians were met; they ranged from Palestinian representation at the negotiating table to the establishment of an independent State. To that end, Israel must withdraw from all territories occupied since 1967, including Jerusalem, which must be given a special status because of its religious importance for Jews, Muslims and Christians. Such an agreement must contain guarantees of peaceful coexistence for all the States of the region.

15. In order to guarantee a safe and free world in keeping with the aspirations of the peoples that had founded the United Nations, it was indispensable to eliminate war and the use of force in international relations, protect the sovereignty and independence of all States, and put an end to racism, apartheid, colonialism and imperialist policies in general. It was essential to tear down the walls that continued to divide the world into exploiters and exploited and developed countries and underdeveloped countries, and to prevent the raising of other barriers confining the poor and hungry to the South and those who might threaten the economic well-being of the rich European nations to the East. A new world would not dawn until the inalienable rights of the Palestinian people were restored and human dignity and the right of peoples to self-determination respected.

16. Mr. HOSSEINI (Iran) deplored the deteriorating economic, social and health conditions, the human rights violations and the psychological humiliation of the Palestinian people. The Israeli authorities were continuing their brutal policy of deporting Palestinian inhabitants. Over the past few years, they had killed more than 1,000 persons, deported nearly 100 Palestinian citizens and put more than 75,000 in concentration camps. The allocation of green cards prevented thousands of Palestinian workers from going to their place of work. Freedom of education and of worship had been persistently violated. The settlement of Jewish immigrants in Palestine was a matter of deep concern and reflected a deliberate will to modify the demographic composition of the occupied territories. There were currently 150,000 Israeli immigrants, and their numbers could reach 1 million by the year 2000.

17. It was incumbent upon the international community to oppose such practices, which were totally incompatible with international law. The intifada, currently in its fifth year, constituted a turning-point in the just and legitimate struggle that the Palestinian people had been waging for nearly half a century. The international community must take effective measures to restore the legitimate rights of the Palestinian people, namely, its human rights, its right to security and its right to self-determination. In view of the assistance currently being given to the occupying Power, there was, unfortunately, little hope that the new international climate would lead to progress in resolving the Palestinian question. For the Islamic Republic of Iran, which supported the Palestinian people unwaveringly, a lasting solution to the Middle East problem must include the creation for the Palestinians of an independent State covering the whole territory of Palestine.

18. Mr. ZHAN Daode (China) said that although great changes had taken place in the Middle East since the Commission's forty-seventh session, there had been no change in the situation of the Palestinian people. They still did not enjoy the right to self-determination, and Israel still refused to withdraw from the occupied territories or to implement the four Geneva Conventions of 1949. Moreover, the Palestinian people and other Arabs in the occupied territories were still being subjected to Israeli hegemony and repression. New settlements were being established in those territories, forcing many Arabs to leave their homes. In the latest move of that kind, the Israeli army had deported 12 Palestinians from the Gaza Strip.

19. China had always been in favour of a political settlement to the Middle East question on the basis of the relevant United Nations resolutions, in particular Security Council resolutions 242 (1967) and 338 (1973). The occupied Arab territories should be returned, the legitimate rights of the Palestinian people restored, and the sovereignty and security of the countries in the Middle East, including Israel, respected and guaranteed so that Jews and Arabs could finally live in peace and harmony in the region. As a permanent member of the Security Council, China would not waver in its efforts to bring about a peaceful settlement of the Middle East question. It supported the countries concerned in promoting the peace process in the region and participated in the efforts of the international community to put an end to the Middle East conflict. His delegation noted with satisfaction that, having resolved procedural matters, the Arab countries and Israel had initiated separate talks. It hoped that the parties concerned would achieve a breakthrough in progress towards a settlement of the Middle East problem, and appealed to them to refrain from using force and to take the necessary measures for the relaxation of tension in the region. The international community and the Commission on Human Rights should for their part continue to urge Israel to implement the four Geneva Conventions of 1949 in the occupied territories, and to discontinue the establishment of settlements and the repression of the Palestinian people.

20. Mr. MARKIDES (Cyprus) said that the Commission's debate on item 4 was taking place at a time when world attention was focusing on the current process for solving the Middle East problem. The question of Palestine, the core of the Arab-Israeli conflict in the Middle East, had been a concern of the United Nations for more than 45 years and was one of the most serious problems facing the international community. As set forth in the relevant

United Nations resolutions and, particularly, in Security Council resolutions 242 (1967) and 338 (1973), the three prerequisites for a settlement of the conflict were (a) the withdrawal of Israeli forces from the occupied Palestinian territories, including Jerusalem, and all the other Arab territories occupied since 1967, (b) the exercise of the inalienable rights of the Palestinian people, including the right to self-determination and the right to establish an independent and sovereign State, and (c) the political recognition of all the States of the region, including Israel, and guarantees that they could live in peace within secure and recognized borders. Given the new international climate, the United Nations, the Secretary-General and the Security Council, in particular, its five permanent members had a crucial role to play in the peace process and in the search for a permanent solution to the Middle East problem that took into account the aspirations of the Palestinian people and brought peace and prosperity to all the States in the region.

21. Cyprus had always supported the just cause of the Palestinian people under the leadership of the Palestine Liberation Organization (PLO) and the efforts to achieve a just and lasting peace in the Middle East region in accordance with the relevant United Nations resolutions. The question of the Israeli occupation and practices in southern Lebanon should also be addressed by giving effect to the will of the international community as expressed in Security Council resolutions 425 (1978), 508 (1982) and 509 (1982). The United Nations Interim Force in Lebanon should be given the ability to carry out its task, thus ensuring peace and security and helping the Government of Lebanon to extend its authority and sovereignty over all Lebanese territory. In the same spirit, the United Nations resolutions demanding the withdrawal of Israel from all territories acquired by force since 1967, including the Golan Heights, must be implemented in full.

22. Despite the ongoing efforts to resolve the Middle East problem through negotiations, the human rights situation of the Palestinian people and the other Arab populations living in the occupied Arab territories was far from satisfactory. It should be recalled in that context that the Commission on Human Rights had already affirmed that the Fourth Geneva Convention relative to the protection of civilian persons in time of war of 12 August 1949 was applicable to all Palestinian and Arab territories occupied by Israel since 1967, including Jerusalem. It had also affirmed that the policy of establishing Israeli settlements in the occupied territories was incompatible with international law and contravened the relevant provisions of the Geneva Convention. The settlement activities and the deportation of Palestinian civilians from the occupied territories not only constituted grave violations of human rights, but harmed the auspicious climate in which the peace talks should take place.

23. For many years, the lives of the Palestinian people and of the Arab populations in the occupied territories had been full of suffering. It was time to act, because the Middle East had seen no peace or justice and human rights had been systematically violated there for much too long. A new era was dawning, and if a truly new and lasting world order was to emerge, it must contribute to a just and viable solution to the Middle East problem.

24. Mr. DEBASHISH CHAKRAVARTI (India) said that the complex situation in Palestine was rooted in history and a mutual distrust perpetuated by recurring hostilities. That was all the more reason for the international community and the United Nations to encourage a just, comprehensive and lasting settlement of the question. In his statement on 15 January 1992 to the Committee on the Exercise of the Inalienable Rights of the Palestinian People, the Secretary-General had expressed the hope that a lasting peace would finally become a reality in the region.

25. India welcomed the initiation of the peace process in the Middle East; it would undoubtedly be long, arduous and full of seemingly insurmountable obstacles, and overcoming them would require statesmanship of a high order on the part of all parties concerned. However, advantage should be taken of the favourable development of the international situation in order to restore peace in the region. Palestine was and must remain at the centre of the peace talks. The United Nations had an indispensable role to play in settling the Middle East conflict, and it was to be hoped that the Organization and its Secretary-General would soon have the responsibility and status needed to accomplish their mission.

26. The question of the occupied Arab territories and Palestine had been on the agenda of the Commission since 1968. The General Assembly and the Commission had consistently reaffirmed the right of the Palestinians to an independent homeland and repeatedly condemned the violations of the Palestinians' human rights. Those violations stemmed from the occupation itself. The occupying forces had imposed their laws, jurisdiction and administration on the populations of the occupied territories. They had established new settlements and expanded existing ones, thereby depriving the Arab population of the means of development. They had evacuated, deported and displaced the inhabitants, denying them the right to return. Security Council resolution 726 (1992) had strongly condemned the decision of Israel to resume deportations of Palestinian civilians, and in its report the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Palestinian People and Other Arabs of the Occupied Territories had graphically described the sufferings of the Palestinian people.

27. India fully shared the view repeatedly affirmed by the General Assembly that a just, comprehensive and lasting settlement of the Middle East question could be achieved only by recognizing the inalienable national rights of the Palestinian people, including the right to a homeland, and the right of all States in the region, including Palestine and Israel, to live in peace within internationally recognized borders. Settlement must be based on Security Council resolutions 242 (1967) and 338 (1973), which presupposed Israel's withdrawal from all Palestinian territories occupied by it since 1967.

28. On 20 January 1992, the Prime Minister of India, Mr. Narsimha Rao, had reiterated India's unequivocal support for the Palestinian people and the restoration of their inalienable rights, including the right to self-determination. India hoped that the peace process embarked upon would enable that objective to be attained and stability to be restored to the region so that its inhabitants could enjoy the fruits of economic progress.

29. Ms. KADJAR-HAMDURA (International Federation Terre des Hommes) said that in a report on the question of Western Sahara which he had submitted to the Security Council on 10 April 1991, Mr. Pérez de Cuéllar had taken note of the progress made in the peace process and stressed that the two parties to the conflict should pursue the dialogue so that peace, stability and security could be restored in the region. He had indicated that the Government of Morocco and the Polisario Front had signed an agreement in principle on the holding of a referendum on self-determination. All that was needed was to meet the conditions for its being held without administrative or military constraints. On 29 April 1991, the Security Council had adopted resolution 690, in which it had approved the report and the creation of the United Nations Mission for the Referendum in Western Sahara, whose budget had been adopted by the General Assembly on 17 May 1991.

30. There had not seemed to be any other real obstacles to holding a referendum, apart from the absence of a genuine desire on the part of the Moroccan Government, which had sought by every possible means to interfere with the referendum process, using delaying tactics, placing the Sahrawi population under increased police surveillance, sending Moroccan citizens into Sahrawi territory to inflate the number of voters and repeatedly breaking the cease-fire. For the sake of appearances, however, the Moroccan Government had released - and that could only be welcomed - hundreds of prisoners of opinion detained without trial, whose existence it had always denied. To be sure, they had then been immediately placed under permanent surveillance. It should also be recalled that the Sahrawi refugees had been living under very harsh conditions for 16 years, awaiting a fair reply to their legitimate demand for self-determination.

31. In order to ensure that the referendum was finally held, the International Federation Terre des Hommes called upon the Commission: to reaffirm the right of the Sahrawis to self-determination; to continue to provide firm support for the attempts at dialogue on resolving the conflict peacefully and implementing the settlement plan; to condemn the Government of Morocco for its delaying tactics, which were impeding the referendum and the work of the United Nations missions, and for all serious human rights violations inflicted upon the population; and to recommend that all Governments concerned should refrain from any policy of collaboration with the Government of Morocco for as long as it failed to respect human rights in general and the fundamental rights of the Sahrawi population in particular.

32. Mr. HASAN (Liberation) said that although the principle of self-determination was universally recognized, in certain regions of the world its realization was still posing problems, and it was the Commission's task to resolve them. The right to self-determination was a binding norm of general international law and had been enshrined in the most important decisions of the International Court of Justice and in such international instruments as the Charter of the United Nations, the International Covenants on Human Rights, and the Declaration on the Granting of Independence to Colonial Countries and Peoples. In his report on the right of self-determination, the Rapporteur on Human Rights had affirmed that the right to self-determination was fundamental and constituted a prerequisite for the enjoyment of all other human rights, and that self-determination was a right

of peoples, i.e. the right of any community of shared conscience and purpose to establish a nation capable of functioning in a way that ensured a common future.

33. To qualify for the right to self-determination, a group must have shared objectives and common characteristics, such as race, language, culture, traditions, customs and a history that distinguished it from other groups. Quoting a UNESCO declaration, he said that a group of people that had formed a nation and that was subjected to military occupation was entitled to assert or to restore its right to self-determination. Such was the case of the people of Aceh (Sumatra), who had been resisting Indonesian colonial occupation for the past 15 years. Aceh had been a universally recognized independent sovereign State for a thousand years or so. In 1873, the Netherlands had tried to colonize it, but had abandoned the attempt after a long conflict, and on 27 December 1949 it had signed a treaty with the new Javanese-controlled Republic of Indonesia, by virtue of which it had transferred to Javanese "Indonesia" sovereignty over its colonial territories of the Dutch East Indies, including Aceh, which it had never been able to conquer. Thus, the Dutch East Indies had never been decolonized; only its name had been changed to Indonesia. Indonesia was not the name of a people, a country or an island, but a geographical expression used by the Javanese to misrepresent the diverse peoples of the archipelago, to destroy their identity, to deny them the right to self-determination, to rob them of their economic resources, to avoid dismantling the colonialist bureaucracy and structure, and to allow the Javanese to replace the Dutch. On 4 December 1976, Aceh had declared its independence. The Indonesian occupation army had suppressed the vast liberation movement and deterred the population from demanding its right to self-determination by murdering with impunity thousands of innocent civilians, including women and children. The magnitude of the killings perpetrated by Indonesia was tantamount to genocide, and he quoted in that context the definition of genocide as adopted in the Convention on the Prevention and Punishment of the Crime of Genocide. Referring to Security Council resolution 688 (1991) and speaking on behalf of the people of Aceh, he called upon the international community to intervene in order to stop the genocide and demanded that elections be held under United Nations supervision so that the people of Aceh could exercise its right to self-determination.

34. Mr. AL-ATTAR (Arab Lawyers' Union) reminded the Commission that Israel had been occupying the territory of Palestine, in the West Bank and Gaza, and the Syrian Golan Heights for a quarter of century, in flagrant violation of the rules of international law, the principles of human rights and the relevant United Nations resolutions, including Security Council resolutions 242 (1967) and 338 (1973). The Commission had been focusing on the question since 1968, discussing it annually and adopting pertinent decisions, but Israel had taken no notice.

35. Since 1967, Israel had been subjecting the civilian population in the occupied territories to martial law, including numerous arbitrary measures, in violation of the provisions of the Universal Declaration of Human Rights and the Fourth Geneva Convention relative to the protection of civilian persons in time of war.

36. According to information published by the Palestinian Information Centre on Human Rights, from the beginning of the intifada until the end of September 1991, the total number of Palestinian victims had reached 981 dead, including 255 children or adolescents, and 118,085 injured. In addition, 15,100 Palestinian civilians had been arrested on the basis of administrative decisions emanating from the military, and not the judicial authorities. One of the latest reports presented by the State Department of the United States of America to the House of Representatives and the Senate pointed out that Israeli soldiers had been using their weapons against demonstrators even when their lives had not been in danger, and that a number of Palestinians had died in detention under suspicious circumstances or had been killed by prison officials. The Israeli Government had never taken any disciplinary measures against the persons responsible for such acts. Prisoners had been subjected to torture, lawyers had been prevented from seeing their clients, and numerous obstacles had been placed in the way of representatives of the International Committee of the Red Cross (ICRC) in the exercise of their administrative work. Many journalists, university professors and members of Palestinian human rights organizations were in detention even though they had not engaged in violence or caused a threat to public order. On the other hand, the Israeli authorities had been very tolerant when Jewish citizens living in the occupied territories had committed criminal acts against the Palestinian population. In an article in the Swiss daily Le Matin of 1 July 1989, the eminent Swiss public figure Jean Ziegler had quoted the statements made after his visit to Israel and the West Bank by the President of ICRC, Mr. Sommaruga, who had reported numerous serious violations of the Geneva Conventions by the Israeli occupation authorities, including assaults on injured persons, even on hospital premises.

37. The Israeli authorities continued to inflict collective punishment on the Palestinian population: closures of schools and universities, desecration of Christian and Muslim places of worship, introduction of arbitrary taxes, limitations on the freedom of movement of Palestinian civilians and imposition of curfews for long periods. They had also continued to demolish the houses of persons accused of acts of aggression against the occupying authorities, and set up blockades and implemented measures preventing the Palestinian villages from harvesting their crops. During the intifada, more than 120,000 fruit trees belonging to Palestinians had been cut down by the Israeli authorities. At the political level, the occupying authorities prohibited the creation of political parties, censored newspapers and publishing houses favourable to the Palestinian cause, interfered with the activities of associations and trade unions, and had been preventing the holding of municipal elections since 1976.

38. The deportation of Palestinian civilians constituted another flagrant human rights violation. By the end of September 1991, 66 Palestinians had been deported, and during the past month, a further 12 deportations had been announced, despite unanimous condemnation by the Security Council. At the same time, while the Palestinians were refused the right to live on their land, hundreds of thousands of Jews of different nationalities were being welcomed and granted Israeli nationality. That was a blatant manifestation of racial discrimination in violation of the provisions of the Universal Declaration of Human Rights. Furthermore, Israel was pursuing its policy of establishing settlements in the occupied territories, in defiance of the

provisions of The Hague Convention (1907) and the resolutions of the United Nations. Meanwhile, the entire world was witness to Israel's efforts to obtain from the United States a loan of US$ 10 billion to settle Jewish immigrants, without making the slightest commitment concerning a freeze on settlements in the occupied Arab territories.

39. Despite the hopes for peace that had emerged over the past months, Israel refused to envisage a withdrawal from the occupied Arab territories. The Arab Lawyers' Union hoped that the Commission would adopt, with regard to the withdrawal of the Israeli occupying forces, a firm position in support of the Palestinian people.

40. Mr. ZAHRAN (Observer for Egypt) said that the course taken by international relations now aroused hopes of a new era of peace, stability and security for all, a number of regional conflicts having been resolved on the basis of international law and with due regard for the interests of the parties concerned. But it was no longer possible to allow a breeding ground of tension, conflict and instability to persist in the Middle East. The peoples of the region had the right to live in peace and security, so that they could embark upon the road to development and progress.

41. The tension prevailing in the Middle East was the result of the inability of the international community, for more than 40 years, to find a just and lasting solution to the Arab-Israeli conflict, and above all the Palestinian problem. Since the end of East-West confrontation, the situation on the international scene had evolved, and Egypt had noted with satisfaction, and supported from the outset, the peace efforts begun through the Madrid Conference in response to the joint invitation of the United States and the former USSR to hold direct negotiations on the basis of Security Council resolutions 242 (1967) and 338 (1973) and the principle of "land for peace". The march towards peace must not stop until the achievement, on that basis, of a just and lasting solution enabling the Palestinian people to exercise its legitimate rights in its homeland, above all its right to self-determination.

42. The quest for a peaceful solution to the Arab-Israeli conflict must be accompanied by efforts to compel Israel to respect international law and to put an end to its violations of human rights and illegal practices in the occupied Arab territories. That meant that the international community must cease applying a double standard in the field of human rights, depending on whether the inhabitants of the territories or other victims of violations were concerned. The march towards peace, which had only just begun, entailed building confidence between the various parties concerned, which must therefore refrain from any initiative that might sabotage the process. Hencecthe need to ensure the protection of the Palestinians, because the violations of their human rights would not stop until the occupation ended, the Israeli forces withdrew and the current negotiations achieved their goal. It was incumbent upon the international community to promote confidence in the peace initiatives and to prevail upon Israel to cease its illegal practices and the repression in the occupied territories, in violation of the commitments it had entered into by adhering to the Charter of the United Nations and the 1949 Geneva Conventions. The first article of the Fourth Geneva Convention clearly laid down the obligation on all States parties to ensure compliance with that instrument's provisions. The policy of establishing settlements in

the occupied territories, with its radical impact on the demographic composition of those territories, was the most flagrant human rights violation committed by Israel and had been repeatedly condemned by the international community, and by the Commission in particular, which had described the settlement of Jewish and other immigrants in the occupied Arab and Palestinian territories as an illegal action. Yet Israel stated that it would pursue that policy, an approach that might well bring the march towards peace to an abrupt halt.

43. The deportations carried out by Israel constituted grave violations of the Fourth Geneva Convention and had been denounced by the Security Council at the very time when the peace efforts were being pursued in Washington. For its part, Egypt reiterated its support for Security Council resolution 726 (1992), adopted unanimously on 6 January 1992 following the deportation by Israel of 12 Palestinian civilians from the occupied Palestinian territories; the Council had condemned the decision of Israel to resume deportations, reaffirmed the applicability of the Fourth Geneva Convention to all the Palestinian territories occupied since 1967, including Jerusalem, and requested Israel to refrain from deporting any Palestinian civilian from the occupied territories and to ensure the safe and immediate return of all those deported.

44. Israel must prove its good will in the current negotiations, in particular by putting an end to the establishment of new settlments, and must implement the relevant resolutions of the General Assembly, the Security Council and the Commission on Human Rights. For its part, the international community must do everything it could to compel Israel to respond to the Middle East peace initiative, the sole hope of ensuring peace and stability in the region. Egypt took the opportunity to express its gratitude to the Palestinians for having understood the importance of the peace initiatives and for having shown flexibility from the outset of negotiations, a position they must maintain until the objectives were attained, namely, the withdrawal of Israel and the recognition of the Palestinian people's right to self-determination.

45. Lastly, he drew the Commission's attention to the human rights abuses committed by the Israeli authorities in southern Lebanon and the Syrian Golan. The international community must compel Israel to respect its decisions and the resolutions of the Security Council, in particular resolution 425 (1978), and he called upon the Commission to take a firm stance in that regard.

46. Mr. van WALT (Pax Christi International), taking the floor on agenda item 9, said that his organization was again raising the question of the right of peoples to self-determination because recent events and unresolved situations had underscored the fundamental nature of that right as a prerequisite for the enjoyment of other human rights and freedoms. The right to self-determination was particularly important where abuses were the consequence of foreign occupation, colonial or alien domination or any other form of subjugation. Many persons were arrested, imprisoned and tortured and groups were persecuted by those in power solely because they sought to realize for their people the right to self-determination, enshrined in Article 1 of the Charter of the United Nations and reinforced by the International Covenants on Human Rights.

47. Pax Christi International wished to refer in particular to the situation in East Timor, where people were imprisoned or even killed because they had called for an end to the occupation of their territory, and to the situation in the territories occupied by Israel, where Palestinians waging a struggle for self-determination were denied their basic rights. In Western Sahara, human rights violations were directly linked to the denial of the right of the Sahrawi people to self-determination. The suffering of the people of Bougainville was a direct consequence of the continued blockade of the island by Papua New Guinea, which was also attempting to prevent Bougainville from exercising its right to self-determination. Lastly, the Kurds were being oppressed because they refused to submit entirely to alien domination.

48. The question of the violation of the rights of the Tibetans would undoubtedly be examined in detail at the current session, at least 15 non-governmental organizations, including Pax Christi International, having submitted detailed information to the Secretary-General in response to resolution 1991/10 of the Sub-Commission on Prevention of Discrimination and Protection of Minorities. The gross violations of human rights in Tibet were typical of a situation which could not be addressed without also raising the question of China's violation of the Tibetan people's right to self-determination. Tibet had been under illegal occupation for more than 40 years. It had been an independent country prior to its invasion by China in 1949-1950. Despite its claims to the contrary, China kept at least 300,000 troops on the Tibetan plateau to maintain control of the region. It had sent or encouraged millions of Chinese to settle there as part of an effort to change the demographic composition of the country and to annex Tibet entirely and assimilate its population. That policy, as well as the invasion and occupation, constituted flagrant violations of the Tibetan people's right to self-determination. Tibetans were not only being denied the right to determine their political status and their cultural, economic and social developments; if China's policies were successful, the Tibetan people would effectively be prevented from exercising its right to self-determination in the future, and the Tibetans would eventually be marginalized and reduced to a minority in their own country.

49. The distressing reports of torture in prisons, of demonstrators being shot and of intimidation and summary executions made one feel at times that the issue of self-determination was less important than helping the individual victims of those abuses. Those persons endured such suffering because of their courage and their determination to resist subjugation or occupation, maintain their cultural identity, oppose discrimination and save their people from extinction. They were human beings who believed in the right to choose their own destiny, who refused to be mere pawns in political ambitions of the oppressors and who, like so many others around the world, were the victims of human rights abuses simply because they were culturally, ethnically or linguistically distinct and because they refused to be humiliated and subjugated as a people. Thus, the right to self-determination was not just a fundamental right of peoples but was inseparable from basic human rights.

50. Self-determination did not necessarily lead to total independence. The more satisfied a people was with its situation, the less it felt the need to separate from a larger State entity. But forced participation in another people's State and oppression of one people by another were prescriptions for

separation, extremism, instability, and hence, violence and human rights violations, even if oppression and forced integration in State structures gave an appearance of stability.

51. Pax Christi International considered that, at the very least, it was necessary to recognize that showing concern for human rights violations was of limited effectiveness when the cause of those violations lay in the denial of a people's right to self-determination.

52. Mr. SEMICHI (Observer for Algeria), speaking in exercise of the right of reply, referred to the statement made at the 3rd meeting by the representative of Australia, who had explained, after a fashion, the situation prevailing in Algeria. Clearly, the reference by the Australian delegation to what it had termed the interruption of the electoral process in Algeria committed that country alone and respresented its simplistic assessment of a highly complex situation. The Australian delegation's remark about a set-back in the general trend towards consolidating the democratic process in the world was a regrettable generalization that depicted Algeria as one of the few countries to have drawn attention to itself by interrupting an electoral process that was growing in strength everywhere else.

53. His delegation took the opportunity to reaffirm Algeria's determination to bring to a successful conclusion the democratic process upon which it had embarked of its own volition, in keeping with its notion of democratic ideals and in conformity with the commitment entered into with regard to the Algerian people and the obligations contracted vis-à-vis the international community by virtue of instruments to which it had chosen to adhere. The Australian delegation could rest assured that the democratic process would take place when Algeria judged it to be opportune, and regardless of any agenda that anyone might attempt to impose upon it.

54. Ms. SANCHEZ (Latin American Federation of Associations of Relatives of Disappeared Detainees - FEDEFAM) said that the right to self-determination must be taken to mean the right of a people freely to determine its political status and to pursue as it saw fit its economic, social and cultural development in the exercise of its legitimate rights; in other words, self-determination constituted a prerequisite for the exercise of all human rights and was part of the United Nations ideal of universal peace. For that reason, FEDEFAM had repeatedly drawn the Commission's attention to the fate of the Kurds, made up of more than 25 million persons scattered over Turkey, Iraq, Iran and Syria, who were the victims of confrontations between colonialist States and the vicissitudes of history.

55. Since the signing of the Treaty of Lausanne in 1923, which had superseded the Treaty of Sèvres of 1920 recognizing the Kurds' right to an independent State, the Kurdish people had been subjected to oppression, forced assimilation and mass displacements. In Iraq, where they continued to suffer the consequences of the Gulf war, the Kurds faced famine and cold, and Kurdish refugees had been bombed by Turkish planes. The situation of the Kurds in Turkey was equally dramatic: on 6 August 1990, Turkey had suspended application of the European Convention on Human Rights in the 13 Kurdish provinces, where a state of emergency had been proclaimed. Taking advantage of the Gulf crisis and war, the Turkish Government had intensified its policy

of displacing the Kurdish populations, whose rights were constantly violated, and was pursuing a policy of systematically destroying the Kurdish guerrilla movement, a fact which had been reported in Le Monde of 26-27 January 1992. In March 1991, the Kurdish national movement had declared its readiness to initiate a dialogue with the Turkish Government on a political solution to the Kurdish problem, but the Turkish Government had not responded to that proposal. Although the new Government had declared that it recognized the Kurdish reality, the Turkish army had been bombarding the mountains in the south-east since 7 January 1992, and on 23 January the Minister of the Interior, confirming a large-scale transfer to Kurdistan of military units and equipment, had said that the question of the south-east would be settled by the security forces. Clearly, there would be no peace in the region until a political solution had been found to the problems of the Kurdish people. FEDEFAM therefore called upon the Commission to do everything in its power to ensure that the legitimate right of the Kurdish people to self-determination was finally recognized so that it could live in peace on its own territory.

56. FEDEFAM also drew the Commission's attention to the situation in Western Sahara and to the obstacles currently impeding the legitimate aspiration of the Sahrawi people to self-determination. The hopes of the Sahrawis that their suffering would finally end and that peace would be restored to the region had been shattered at the beginning of January 1992, precisely when the referendum on self-determination was to have been held, by the mass arrests of Sahrawis, in which new contingents of the Moroccan security services recently sent from Rabat had taken part. The new prisoners, estimated at more than 300 - the majority of them young people, had swelled the ranks of the 800 persons detained since the end of 1975 who had still not been released, despite the stipulations in the peace plan. The developments had come about at a time when conditions of security and liberty should have existed to ensure the referendum's credibility. United Nations officials had already been present and their specific mission was to see to it that the referendum took place smoothly.

57. FEDEFAM, which had asked to be an observer at the referendum, was more convinced than ever of the need for international observers to be present in Western Sahara and called upon the Commission to urge Morocco to comply strictly with the plan adopted by the Security Council in resolutions 658 (1990) and 690 (1991) and to release all Sahrawi prisoners who had disappeared.

The meeting rose at 5.20 p.m.